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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights

Report of the Secretary-General

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Introduction

1. Under Commission on Human Rights resolution 1993/6 of 19 February 1993, endorsed by the Economic and Social Council in its decision 1993/254 of 28 July 1993 and by the General Assembly in its resolution 48/154 of 20 December 1993, an operational presence of the Centre for Human Rights in Cambodia was mandated:

(a) To manage the implementation of educational and technical assistance and advisory services programmes, and to ensure their continuation;

(b) To assist the Government of Cambodia established after the election, at its request, in meeting its obligations under the human rights instruments recently adhered to, including the preparation of reports to the relevant monitoring committees;

(c) To provide support to bona fide human rights groups in Cambodia;

(d) To contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) To continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) To continue to assist with the training of persons responsible for the administration of justice.

2. The General Assembly, in its resolution 48/154, as well as in resolutions 49/199, 50/178 and 51/98, also requested the Secretary-General to assure the protection of the human rights of all people in Cambodia.

3. In its resolution 1993/6, the Commission requested the Secretary-General to communicate the contents of the resolution to, and seek the consent and cooperation of, the Government of Cambodia to facilitate the tasks of the Special Representative appointed pursuant to the resolution and of the Centre in the fulfilment of their mandates, and decided to review the programme and mandates at its next session. Mr. Michael Kirby (Australia) was appointed on 23 November 1993 by the Secretary-General as his Special Representative for human rights in Cambodia, with a mandate to maintain contact with the Government and people of Cambodia; guide and coordinate the United Nations human rights presence in Cambodia; and assist the Government in the promotion and protection of human rights. Following the resignation of Mr. Kirby, on 1 May 1996 the Secretary-General appointed Mr. Thomas Hammarberg (Sweden) as his Special Representative for Human Rights in Cambodia.

4. The new Special Representative visited Cambodia twice during the second half of 1996, in July and in December. These visits focused on the following areas: protection of children from trafficking and exploitation; administration of justice and the problem of impunity; the adoption of a law banning the import, use and stockpiling of anti-personnel landmines; the exercise of political rights and freedoms, particularly the right to form political parties and the right to freedom of expression; the issue of torture and ill-treatment in police and military custody; and labour rights.

5. The Cambodia Office assisted the Special Representative in preparing the programmes for these visits and in organizing and coordinating them. During these visits, the Special Representative held consultations with His Majesty the King, the First and Second Prime Ministers, the Minister of Justice, the Minister of Information, the Minister for Foreign Affairs, the Director General of the National Police, judges and prosecutors, and prison officials. He also held consultations with representatives of Cambodian human rights non-governmental organizations, international aid agencies, United Nations agencies, funds and programmes and the International Committee of the Red Cross (ICRC). He also met with the diplomatic representatives of several countries. The Special Representative visited three provinces.

6. The Secretary-General reports annually to the General Assembly and to the Commission on Human Rights on the activities of the Cambodia Office of the Centre for Human Rights (see E/CN.4/1994/73, A/49/635/Add.1, E/CN.4/1995/89, A/50/681/Add.1 and E/CN.4/1996/92 for its programme of activities in previous years). The work of the Cambodia Office from December 1995 to July 1996 was described in the report of the Secretary-General to the General Assembly at its fifty-first session (A/51/552). The present report to the Commission describes the activities and programmes implemented in Cambodia from July to December 1996.

I. ACTIVITIES OF THE CENTRE FOR HUMAN RIGHTS IN CAMBODIA, FROM JULY TO DECEMBER 1996

A. Assistance in legislative reform

7. Through its legal assistance unit (LAU) the Cambodia Office has carried out numerous activities for the creation, strengthening and support of a legal framework consistent with international human rights norms and for securing the promotion and protection of human rights and democracy. Assistance has been provided to the National Assembly and to its various commissions, including the Commission on Human Rights and the Reception of Complaints, and to the Royal Government and its various ministries, in the drafting and implementation of the laws listed hereunder. Technical assistance has been provided to the judiciary through the judicial mentor programme and through the provincial offices network programme. Assistance has also been provided to the civil society, including non-governmental and media organizations and groups, concerning the drafting and implementation of laws.

Electoral laws

8. The draft communal election law was approved in December 1996 and sent to the Council of Ministers. The law provides for an organizing committee and a complaints committee, both of which will be co-chaired by the co-Ministers of the Interior. Other members of the committees include government officials, NGO representatives and representatives of the Cambodian Bar Association. The First Prime Minister and various Members of Parliament have asked the Cambodia Office to review this draft and make comments. The Office had provided advice to the Ministry of the Interior on this draft. Work on the national electoral law is at a very early stage. The Office has been requested to provide assistance in the drafting and review of this law.

9. The Office briefed extensively a number of bilateral and multilateral election specialists visiting the Kingdom of Cambodia and providing advice to relevant ministries and departments. In November, LAU attended a donors' meeting held at the UNDP Office at which a number of senior ambassadors expressed their concern to Ministry of the Interior officials about the pace of the legislative drafting process, the lack of administrative preparations and the need for the Government to respond to the experts' report.

Law on political parties

10. At the request of the co-Ministers of the Interior, in May 1996 the Office assisted in the preparation of a draft law on political parties. The Ministers requested the draft on an urgent basis and asked that it be given directly to them for their consideration. At the time of the writing of this report the draft has not been formally considered by the Ministry.

Law on associations and non-governmental organizations

11. The Office has worked with the Ministry of the Interior for the past year and a half on a draft law regulating associations and NGOs. In May 1996, the Ministry of the Interior approved a draft and sent it to the Council of Ministers. Though generally liberal, the draft contained a number of problems, which the Office and NGOs have discussed with the Ministry of the Interior. In September an unprecedented meeting was held at the Ministry of the Interior in which the draft was openly discussed by co-Minister of the Interior, Sar Kheng, and the entire NGO community. NGO concerns were raised and the Minister assured NGOs that the Government would use the law only in a neutral manner and not to interfere with their activities. However, no further progress has occurred since that time as the election laws have taken precedence at the Ministry of the Interior.

The Supreme Council of Magistracy and the constitutional council

12. The Office continues to urge the Royal Government of Cambodia to convene the Supreme Council of Magistracy, the body responsible for safeguarding the independence of the judiciary and for the appointment, promotion and discipline of judges, and to draft a law establishing a constitutional council, a body necessary for the conduct of elections.

Laws on nationality and immigration

13. The Office offered advice at all stages of the drafting and legislative process for the enactment of the Nationality Law passed in August 1996 by the National Assembly. The passage of the Nationality Law means that the Immigration Law passed in 1995 is now operative. The Cambodia Office monitors implementation of both the Nationality and Immigration Laws and remains concerned about the effect of these laws on ethnic minorities in Cambodia and the potential for arbitrary or mass expulsion. The Office continues to assist the Ministry of the Interior in drafting regulations under the Immigration Law concerning such matters as: the establishment of the Department of Immigration; the granting of travel documents; authorization for non-immigrant aliens to enter the Kingdom of Cambodia; authorization for immigrant aliens to enter the Kingdom of Cambodia; the issuance of residence cards to immigrant

aliens; determination and management of border gates or points of entry and exit for foreigners; the issuance of passports; and the deportation of aliens. Many of these regulations are with the Council of Ministers awaiting approval.

Press law sub-decree

14. The Office provided advice to the Ministry of Information and local press associations on the draft sub-decree necessary to implement the Press Law, which was passed in 1995.

Prison regulations

15. There is not a legal basis for the operation of Cambodia's prisons. Draft prison regulations have been pending with the Ministry of Interior since 1995. The Office has urged the co-Ministers to consider and approve the draft, but no progress has been made. During the second half of 1996 the Cambodia Office worked with AUSAID, the Australian aid agency, and LICADHO, a Cambodian human rights NGO to renovate partially seven prisons, putting windows in dark cells, fixing roofs and improving plumbing. Donor assistance is still urgently needed to bring prisons up to minimal standards.

Law on Kidnapping, Selling and Exploitation of Human Beings

16. In November 1996 the Minister of Justice instructed the courts to begin implementing the Law on Kidnapping, Selling and Exploitation of Human Beings, enacted in January 1996. It had not been implemented previously because many believed that a sub-decree was necessary before the law could be implemented. No known cases have been brought under this law, in spite of admissions by the Government that hundreds of Cambodian children are being trafficked out of Cambodia every month. The Office continues to advocate the implementation of this law.

Law on landmines

17. The draft law on landmines in the preparation of which the Office assisted in 1995 has undergone some minor revisions, but has not made any significant progress in the Council of Ministers, even though the Government has publicly stated its commitment to adopting the law. The Office containues to urge the Council of Ministers to approve this legislation and send it to the National Assembly for adoption.

Anti-corruption law

18. The Office continues to provide advice to members of the National Assembly on the draft anti-corruption law, which was submitted in 1994.

Women's code

19. The draft Cambodian women's code, in the preparation of which the Office assisted in 1994 at the request of the Secretary of State for Women's Affairs,

appears to have no chance of being enacted into law. Instead, the Office attempts to address the issues in the women's code on a subject-by-subject basis.

Criminal law and law on criminal procedure

20. The Office is in the process of identifying a consultant to provide advice to the Ministry of Justice to finalize these draft laws.

Drug control law

21. The Office suggested several amendments and consulted extensively on the draft of a drug control law. Although a number of recommendations were accepted, the draft law still contains numerous troubling provisions.

Labour law

22. With a view to enabling the drafting of a labour law consistent with international standards, the Office prepared a series of comments, attended National Assembly commission meetings and met with numerous Members of Parliament.

Environmental law

23. The Office unsuccessfully suggested amendments to the law on the environment passed by the National Assembly in November 1996 to give relevant governmental authorities appropriate power to protect Cambodia's environment, a measure essential for the protection of the rights of indigenous populations in Cambodia.

Military justice

24. Discussions continue with the Military Court and Military Prosecutor about ways in which assistance could be provided to strengthen the military justice system, particularly in relation to the prosecution of violators of human rights. Assistance has been requested for the drafting of a new Code of Military Justice.

Disability law

25. A group of NGOs and disabled persons have requested the assistance and participation of the Office in discussions about a law on the rights of the disabled. Regular meetings have taken place. It is anticipated that a draft law on disabled persons will be completed in 1997.

Implementation of laws generally

26. The Office also continues to monitor the implementation of laws to ensure that it is consistent with internationally recognized human rights standards. In particular the Office continues to advise NGOs and the Commission on Human Rights and Reception of Complaints of the National Assembly, at their request, on the human rights aspects of laws and their implementation, including in all of the above-mentioned subject areas, as well

as the Constitution, the Law on the Bar Association, the Khmer Rouge Law, the Family Law, the Land Law and regulations relating to evictions and squatters.

B. Administration of justice

The judicial mentor programme

27. This programme has continued to be implemented during the period under review. The programme was started with a $200,000 contribution from Japan. During 1996, additional assistance was received from the United Nations Development Programme (UNDP) and from non-earmarked funds under the United Nations Trust Fund for a Human Rights Education Programme in Cambodia. The judicial mentor programme has the following objectives:

(a) To assist Cambodian courts in implementing legislation in conformity with international human rights standards;

(b) To assist in improving coordination between the courts, prison officials, the police, military and the provincial administration;

(c) To assist the judges, prosecutors and clerks in the day-to-day functioning of the courts with respect to organization, procedure and law;

(d) To prepare an assessment for a long-term overhaul of the judicial system and the policy and legal changes necessary to achieve it;

(e) To provide training to the judicial police, court clerks, prosecutors and judges as required.

28. Under the programme judges or experienced lawyers from other countries are placed in the provincial and municipal courts to work with Cambodian judges, prosecutors and clerks there on a daily basis. Training is offered for judges and prosecutors on the Cambodian Constitution, Cambodian law and international human rights norms. The mentors answer legal questions which arise in the course of the court's work and work with all court personnel to improve court administration. They also provide training to local police, prison officials, military personnel and government officials. During the period under review the programme continued its work in five provinces and placed a new mentor, a lawyer from Sri Lanka, in an additional province.

29. Funds of the programme have also been used to begin the renovation of the court buildings in the provinces in which the programme has mentors. Most of the court buildings are severely dilapidated, with leaking roofs and little or no electricity, running water, typewriters or office supplies, and inadequate courtroom space. Necessary equipment and other material assistance has been provided. Renovations and material assistance will add greatly to the status and effectiveness of the courts in Cambodia. With the assistance of UNDP, new court facilities have been built in three provinces, creating a more appropriate setting for the administration of justice. Judges and prosecutors have agreed to and implemented many reforms and are considering other suggestions for structural and institutional reforms.

30. The Minister of Justice has given his full support to the programme. He has sent letters to all the courts asking the judges to cooperate closely with the mentors and has urged that under the programme all the legal actors be trained in human rights norms and the principles of the rule of law. Periodic and useful consultations with the Ministry of Justice have taken place. On 21 November 1996 the Minister wrote to the Cambodia Office, stating that he was "very satisfied with the work of these legal experts and the results they have achieved" and asking that the Centre double the size of the programme. The Office is seeking additional voluntary contributions to the Trust Fund from Member States of the United Nations.

The introduction of formal non-custodial options into the criminal justice system of Cambodia

31. Current Cambodian law does not provide judges with the broad range of non-custodial options found in other countries. In the light of the growing problem of prison overcrowding, as well as the inflexibility of the law, the Office hired a consultant to explore possible alternatives to incarceration for persons convicted of violating the criminal or other laws. The consultant met with judges, prosecutors, representatives of various ministries, lawyers, defenders, prison officials and NGO representatives and encountered almost unanimous support for the idea of introducing non-custodial options. A report containing recommendations is being prepared and will be translated into Khmer for wide distribution. Intensive discussions and a public seminar will be held in mid-1997 with a view towards legislative reform in this area.

Confidential reports to the Government

32. During the February 1996 visit to Phnom Penh of the High Commissioner for Human Rights, several members of the Royal Government, including the First Prime Minister, the Minister for Foreign Affairs and the co-Ministers of the Interior and Defence, requested that the Cambodia Office provide them with appropriate verified information about serious instances of human rights violations, in order to assist the Government in the effective implementation of the law and to contribute to the realization of justice. Responding to this request, the Cambodia Office submitted a confidential communication to the Government on 10 September 1996 concerning what appeared to be an emerging pattern of serious human rights violations - extrajudicial executions and torture - by members of the Royal Gendarmerie. The First Prime Minister responded on 19 September 1996 that he had instructed relevant ministries to respond to the serious allegations raised in the report and that he would inform the Office about the results of the investigations and the prosecution of offenders.

33. Also in response to the request from senior government authorities, the Office informed the Royal Government of the killing and injuring of several villagers and the detention of others for extortion by members of the Combat Police in Kampot province, the obstruction of a court order by elements of the Fifth Military Region and threats of arrest of the President of the court and his staff. At his request, the Cambodia Office submitted to the First Prime Minister a report on the role of article 51 of the Law on Civil Servants, which establishes a system of legal and institutional impunity for government officials.

C. National institutions for the promotion and protection of human rights

National Assembly Commission on Human Rights and the Reception of Complaints

34. This Commission is responsible for receiving and investigating complaints from the public. The Commission on Human Rights, in paragraph 8 (b) of its resolution 1994/61, identified financial assistance for the National Assembly Commission as a priority area. Until the implementation of the joint UNDP/Centre for Human Rights programme in 1996, the National Assembly Commission had no investigative staff. Now, with the services of an experienced international human rights investigator and 10 Cambodian staff, it conducts systematic investigations in the areas of labour rights, child trafficking, extrajudicial killings and land disputes. The investigators, who received six weeks of training from Centre staff and others, have produced high-quality reports. Advice and assistance continues to be provided to the National Assembly Commission on Human Rights and Reception of Complaints by the Office in its day-to-day functioning. With funds from the European Union, a new building has been erected on the grounds of the National Assembly for the Commission and its investigators.

National Assembly law office

35. In January 1996 an international consultant was hired to work at the law office of the National Assembly, the Centre for Legal Research and Documentation. In July, two Cambodian legal assistants were hired. In September, a Khmer expatriate lawyer was also hired. These lawyers and assistants have the responsibility of assisting the National Assembly in drafting and reviewing legislation, with particular emphasis on human rights issues and norms, and in addressing the more general issues of the administration of justice, the rule of law and legal consistency and clarity. Another Cambodian lawyer will soon be hired to work at the Centre, as well as three Cambodian legal assistants. Computers, printers and furniture have also been provided to the Centre under the programme.

Improving the forensics capacity of the Ministry of the Interior

36. The Ministry of the Interior has very limited medical and criminal forensics capacity. This greatly limits the ability of the police and the courts to investigate crimes properly, which leads to forced confessions and wrongful convictions. In consultation with the NGO, Physicians for Human Rights, an international expert from Finland was hired and conducted a needs assessment in May 1996. The consultant's report identified training and material needs and provides direction for the implementation of measures to improve the Government's forensics capacity.

D. Treaty reporting and international obligations

37. The Royal Government of Cambodia continues intensive efforts to prepare its reports on the implementation of the various United Nations human rights instruments to which it has acceded. The Cambodia Office continues to provide advisory services and technical assistance to government officials in charge of the preparation of the reports. Despite difficulties in the preparation

of those reports (for example, lack of necessary statistical and factual information, the need for training on the conventions, extensive translation work), the governmental staff involved in the reporting process continue to make steady progress. The reporting process has provided an important opportunity to address human rights issues and to organize activities for the dissemination of knowledge on the conventions and their implementation in the Kingdom of Cambodia. As noted in previous reports, apart from day-to-day training and technical assistance on the conventions, the Cambodia Office has also provided financial assistance from the United Nations Trust Fund for Human Rights Education in Cambodia to the Inter-Ministerial Committee on Reporting Obligations to enable it to work properly on the reports and to develop activities to increase public knowledge of the conventions. The Cambodia Office also helped arrange the participation of an official from the Ministry of Social Affairs in the annual United Nations fellowship on reporting obligations organized in Turin and Geneva by the Centre for Human Rights in November 1996.

The International Convention on the Elimination of All Forms of Racial Discrimination

38. The report of the Royal Government of Cambodia on the implementation of the Convention was approved by the two co-Prime Ministers in August and December 1996. The French version of the report is being submitted to the Committee on the Elimination of Racial Discrimination in Geneva. The Cambodia Office will continue to assist the Government in preparing the delegation which will be sent for the oral presentation of the report before the Committee. The Office will also work with the Government to prepare the necessary updates on the report.

The International Covenant on Civil and Political Rights and the Convention on the Rights of the Child

39. The draft reports on these two Conventions, completed at the end of 1995, have been reviewed again and updated, and have been sent to the two co-Prime Ministers for final approval. The Office assisted the Inter-Ministerial Committee in editing the French translations.

The Convention on the Elimination of All Forms of Discrimination against Women

40. Throughout 1996, the Office assisted the Inter-Ministerial Sub-Committee on this Convention in preparing the report on its implementation. Despite difficulties in gathering gender-specific data and organizing adequate information, the members of the Sub-Committee are about to finish the first draft of the report on the Convention, which will then be reviewed by the Inter-Ministerial Committee. The NGO Committee on CEDAW continues its close collaboration with the Inter-Ministerial Sub-Committee. The Office assisted the NGO Committee on CEDAW in the preparation of its parallel report and with related activities such as the organization of a workshop on the issue of domestic violence in December 1996.

The International Covenant on Economic, Social and Cultural Rights

41. With the assistance of the Cambodia Office, the Government initiated the preparation of its report on the implementation of this Covenant in September 1997. It has created an inter-ministerial sub-committee on the International Covenant on Economic, Social and Cultural Rights composed of five government officials. Intensive training is being provided by the Cambodia Office. Local and international NGOs (in particular the Cooperation Committee for Cambodia and the NGO Forum) and United Nations agencies (particularly through the United Nations Theme Group on Good Governance, Democracy and Human Rights and the United Nations Theme Group on Poverty Eradication) have been approached for close cooperation in the reporting process and briefed on the Covenant. Members of the Sub-Committee in charge of the drafting of the report are encouraged by the Cambodia Office to continue to gather and organize information on economic, social and cultural rights and to participate in activities which will help them in preparing this report, such as the Seminar on Poverty Eradication, jointly organized by the Ministry of Planning and UNDP in October 1996. It is anticipated that the initial government report on the implementation of the International Covenant on Economic, Social and Cultural Rights will take a year to prepare.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

42. The Inter-Ministerial Sub-Committee on the Convention against Torture started its reporting activities in January 1996. The Sub-Committee is nearing completion of the first draft of its report which will then be reviewed by the Inter-Ministerial Committee. Human rights NGOs, defenders and lawyers' groups and the National Assembly Commission on Human Rights have extended good cooperation to the Sub-Committee, providing needed information and sharing comments and ways of preventing torture and ill-treatment. On 18 September, a working group on the prohibition of forced confessions met at the Cambodia Office with members of the Inter-Ministerial Sub-Committee, the Cambodian Bar Association and defenders' and lawyers' groups. International instruments, legal provisions relating to the prohibition of torture, ill-treatment and the use of forced confessions, techniques of investigation and of interviewing victims, the rights of accused persons and the problems encountered by lawyers and defenders in raising allegations of forced confessions were discussed extensively. In cooperation with the Cambodia Office and with the defenders' and lawyers' organizations, the Inter-Ministerial Sub-Committee has prepared a booklet listing all lawyers and defenders in Cambodia who provide free legal assistance. This list is to be submitted to the Ministry of Interior for dissemination in police and gendarmerie stations.

E. Assistance to human rights NGOs

43. The Office continues to provide human rights NGOs with direct financial support and technical assistance under the United Nations Trust Fund for Human Rights Education in Cambodia in order to develop their activities and strengthen their institutional capacity. The Cambodia Office provided training to the staff of many of these NGOs. The Office also monitors the substantive implementation of their projects. Regular contact with human

rights NGOs is maintained and frequent briefings are held at the Office on various human rights issues and activities, such as prison conditions, the future elections, torture and ill-treatment, the law on associations, the general situation of human rights and cases of human rights violations. The Cambodia Office is also attentive to the structural and organizational problems of some human rights NGOs and assists them at their request.

44. The Provincial Office Network of the Cambodia Office provides day-to-day assistance to the provincial offices of the Cambodian NGOs in the large provinces in Battambang, Siem Reap and Kompong Cham, including the NGO Human Rights Action Committee, the Prison Monitoring Committee in Battambang, the Child Abuse Committee in Battambang, and the Working Group on Children's Rights in Siem Reap. At the invitation of the NGO, ADHOC, the Cambodia Office actively participates in its regular seminars on the promotion of human rights held each month in different provinces. Nine such seminars have been organized since April 1996. These seminars gather together local officials, judges and prosecutors, police and prison officials, and human rights NGOs, and contribute to a better understanding of human rights and of the law relating to human rights, in particular the criminal and criminal procedure laws, and fosters better understanding and cooperation between human rights NGOs and the provincial authorities. In August 1996, a similar seminar organized by the NGO, LICADHO (Cambodian League for the Promotion and Defence of Human Rights) in Kompong Cham addressed serious cases of abuse with the local authorities and in particular contributed to obtaining action from the authorities in a serious case of torture.

45. From April to September 1996, the Cambodia Office conducted a detailed survey on the activities of human rights NGOs at the provincial, district, communal and village level, with the full participation and cooperation of the NGOs concerned. Field visits to 14 provinces where the major human rights NGOs are located were conducted by the Cambodia Office to assess the situation, activities and needs of each human rights NGO. As most human rights violations occur in the provinces, where over 80 per cent of the population resides, assistance to NGOs in strengthening their presence and activities at the grass-roots level is crucial. An in-depth report has been prepared by the Cambodia Office detailing the needs of human rights NGOs and areas for assistance. The Office is seeking additional contributions to the United Nations Trust Fund for Human Rights Education in Cambodia for an enhanced programme of support to the NGO provincial offices in 1997 and 1998 to enable them to extend their activities at the district, communal and village level.

46. The Cambodia Office continues to assist NGOs working in the field of children and women's rights, in particular End Child Prostitution, Abuse and Trafficking (ECPAT), the Action Committee on Child Exploitation (ACCE), the NGO Committee on CEDAW, the NGO Committee on CRC, and Women in Development (WID). In July 1996, the Cambodia Office actively participated in a workshop on child trafficking organized by the NGO Committee on CRC (the Convention on the Rights of the Child). Also in July 1996, training on the Convention on the Elimination of All Forms of Violence against Women was provided to the NGO, Women for Prosperity, for their leadership training programme. Consultations with NGOs and government officials in Kompong Cham province were held in August 1996 to sensitize them on the situation of children and women's

rights in the province and to assess their needs in coping with serious problems relating to children and women's rights. With the assistance of the Cambodia Office, the NGO Committee on CRC has prepared a teaching curriculum on the Convention on the Rights of the Child for trainers which is adapted to the Cambodian context.

F. Education and training programmes and curriculum development

Royal Cambodian Armed Forces

47. With the support of the Cambodia Office and its Provincial Office Network, the Royal Cambodian Armed Forces conducted workshops under its human rights awareness programme for officers and soldiers in 11 provinces and Phnom Penh between July and December 1996. Each three-day workshop was conducted by officers of the Armed Forces trained by the Centre. Topics covered in each workshop included: international human rights law; international human rights law applicable during a state of emergency; the Constitution of the Kingdom of Cambodia; the rule of law; the role of the armed forces in Cambodia's democracy; and the prosecution of military personnel who commit crimes against civilians. A total of 37 workshops were conducted, with 1,805 officers and soldiers completing the awareness programme. Financial assistance for this programme was provided through the Trust Fund. The International Committee of the Red Cross conducted sessions on international humanitarian law at many of these workshops. With the continued support of the Ministry of Defence, and particularly the Department of Training and the Department of International Affairs, it is planned to continue the Royal Cambodian Armed Forces human rights awareness programme throughout 1997.

Gendarmerie

48. With strong encouragement from the Ministry of Defence, in mid-1996 the Centre conducted a five-day teacher training workshop entitled, "Human rights training of Royal Gendarmerie instructors". Forty officers of the gendarmerie were trained to teach a human rights curriculum developed by the Centre to lower-ranking gendarmes. Much of the curriculum is similar to that of the Armed Forces, although it is more oriented towards civil law in that it reviews in detail relevant domestic laws. Since the first workshop in July, five five-day Royal Gendarmerie human rights training workshops were conducted in four different provinces and Phnom Penh. Support and assistance were provided by the Cambodia Office and human rights trainers of three Cambodian NGOs, ADHOC, Vigilance and LICADHO, who had been trained by the Centre. A total of 167 gendarmes completed the workshops. With the continued cooperation of the Royal Gendarmerie, another instructors' training workshop is scheduled to take place in January 1997. Human rights education for the Gendarmerie will continue throughout 1997. In addition, the Office cooperated with the French advisors to the Gendarmerie to integrate sections of the human rights training curriculum developed by the Centre into the training programme of the Royal Gendarmerie Training School. Royal Gendarmerie instructors at the school have been trained by the Centre to use these sections of the curriculum.

Police

49. With the ongoing support of the Ministry of the Interior, the Cambodia Office has continued to provide an extensive programme of human rights education for police in conjunction with the Cambodian NGOs, ADHOC, Human Rights Vigilance and LICADHO, using a curriculum previously developed by the Centre. This extensive police training programme is being implemented down to the district level in 12 provinces and provided training to more than 10,000 policemen and women in 1996. The Centre is in the process of modifying the curriculum to include more comprehensive sections on women's and children's rights.

Prison officers

50. Following training in the use of a curriculum prepared by the Cambodia Office, two NGOs, LICADHO and the Khmer Youth Association, and the provincial offices of the Centre for Human Rights conducted education programmes for prison officers. This education programme covers human rights provisions in the Constitution, essential provisions of criminal law and procedure and international human rights standards relevant to detention and imprisonment. Five workshops have been conducted in 4 prisons and over 100 prison officers received training.

Legal education

51. At the request of the President of the Cambodian Bar Association, another training programme, comparable to the Centre-assisted course conducted in 1996, on human rights for students attending a lawyer's training course at the Cambodian Bar Association has been prepared for January-May 1997. These students will be eligible to take the bar examination and practise as lawyers in 1997. Subjects addressed include an introduction to international human rights law, the relationship between international and national human rights law, human rights and the Cambodian Constitution, the Basic Principles on the Independence of the Judiciary, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and women's rights under Cambodian law, the Standard Minimum Rules for the Treatment of Prisoners and relevant Cambodian law, the Convention on the Rights of the Child, freedom of association, freedom of expression, criminal law and procedure, immigration and nationality law, and the role of the legal profession in addressing human rights violations.

Minority rights

52. In September and October 1996, the Cambodia Office conducted two training workshops on minority rights for two NGOs, the Cham Khmer Islam Minority Human Rights Development Association and the Khmer Kampuchea Krom Human Rights and Development Association. The workshops consisted of training NGO trainers how to use a minority rights curriculum developed by the Office. Topics covered in this curriculum include minority rights and discrimination, minorities and the rule of law, redressing grievances, minorities and

elections, and minorities and economic and social development. In November, with the assistance of the Centre, the two NGOs jointly conducted their first workshop on minority rights for 50 ethnic Vietnamese in Phnom Penh. Both NGOs plan to conduct workshops for ethnic Chams and Vietnamese in 1997, with the continued support and assistance of the Office.

HIV/AIDS discrimination

53. Earlier in 1996, the Centre trained members of the NGO, Generous Association for Supporting Democracy, to use the Cambodia Office-developed curriculum "Anti-HIV/AIDS discrimination". Topics in this curriculum include defining human rights, discrimination against people affected by HIV/AIDS, and promoting tolerance and protecting against discrimination against people affected by HIV/AIDS. Between September and December 1996, this NGO conducted 13 workshops using this curriculum for health-care professionals in hospitals and health centres in Phnom Penh. Over 257 health-care professionals were trained in 1996.

Buddhism

54. During the latter half of 1996, the Centre assisted the Khmer Buddhist Society in developing new human rights education and training curricula for Buddhist monks. A 12-day workshop was held in November and December for 27 monks coming from the provinces. The Centre assisted in the training of these trainers, who will teach other monks throughout Cambodia in 1997. Additionally, the United Nations Trust Fund for Human Rights Education in Cambodia provided support to the Cambodian Institute of Human Rights to develop, in conjunction with the Ministry of Education and the Ministry of Worship and Religion, a human rights curriculum for Buddhist schools comparable to human rights curricula previously prepared for the secular primary and secondary school systems.

Upgrading of training

55. In September and December 1996, the Office conducted three workshops assessing and upgrading the training methodology of the human rights trainers of four NGOs, the Khmer Youth Association, the Cham Khmer Islam Minority Human Rights Development Association, the Khmer Kampuchea Krom Human Rights and Development Association, and LICADHO.

Survey

56. The Office prepared a detailed comprehensive survey of human rights education and training programmes in the Kingdom of Cambodia with a view to Cambodia's participation in the United Nations Decade of Human Rights Education.

Extension of work

57. In October, the two Prime Ministers requested the Cambodia Office to extend its human rights education, training and information dissemination programme into the areas under the control of former Khmer Rouge who have defected to the Royal Government.

G. Information and documentation

58. In response to growing public demand during the last six months of 1996, the Cambodia Office significantly increased its distribution of Khmer language materials on human rights. The Office also continued to distribute human rights materials in English and French. Nearly 20,000 human rights documents were distributed to government officials and institutions and nearly 10,000 documents were distributed to various other recipients through the Cambodian NGOs. Documents distributed included: the Universal Declaration of Human Rights; the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention against Torture; the Code of Conduct for Law Enforcement Officials; Basic Principles for the Use of Force and Firearms by Law Enforcement Officials; the Standard Minimum Rules for the Treatment of Prisoners; the Constitution of the Kingdom of Cambodia; compilations of Cambodian laws currently in force; and the Guidelines on the Role of Prosecutors. Recipients of human rights materials included the Ministry of Justice; the National Assembly Commission on Human Rights and Reception of Complaints; provincial and municipal courts; the police; the Royal Cambodian Armed Forces; the Royal Gendarmerie; prison officials; health-care professionals; Buddhist monks; the provincial offices of the Centre for Human Rights; and Cambodian NGOs.

59. The Cambodia Office continues to translate Cambodian laws into English or French, and English or French language human rights materials into Khmer. A publication recently translated into Khmer was the handbook published by the Centre for Human Rights, entitled Human Rights and Elections. The Office is in the process of preparing a human rights pocket guide for police based on international norms, using a text prepared by the Technical Cooperation Branch of the Centre for Human Rights, and relevant Cambodian law and criminal procedure. The Office has continued to maintain a resource and video room for visitors.

H. Network of provincial offices

60. The programme of activities of the Centre for Human Rights in Cambodia, which was agreed upon by the Government in 1993, includes the establishment of provincial offices of the Centre with the purpose of strengthening human rights activities at the provincial level and ensuring uniform implementation of the Centre's programme throughout the Cambodian territory.

61. The Centre opened its first provincial office in Siem Reap in February 1995, followed by the Kompong Cham office on 22 February 1995 and the Battambang office on 25 April 1995. The establishment of provincial offices was welcomed by the local authorities. Each provincial office is staffed by a provincial human rights officer and an international provincial human rights advisor, who is a United Nations Volunteer. The main functions of the provincial offices are to assess the needs and to provide technical support, training and information services to the provincial authorities, the judiciary, the police, the military, the local communities and the local NGOs.

62. Activities implemented in the three provinces in which the Centre had established an operational presence at the time of the preparation of this report include: regular meetings with the police and prison authorities, the military and local human rights NGOs; human rights training for the military and the police; assistance to the NGOs in the investigation of complaints; visits to the prisons; dissemination of information to the local community; dissemination of the Constitution, and the compilation of international instruments and Cambodian laws prepared by the Centre.

63. Subject to the availability of funds, provincial offices will be opened in Kompong Chhnang, Kampot and Prey Veng provinces in 1997.

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